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Practitioner's Docket No. MCEW 9801

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Box Patent Application  
Assistant Commissioner for Patents  
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of

Inventor(s): JASON T. EPPS  
DAN L. TERRY  
JACKSON G. WEAVER

**WARNING:** Patent must be applied for in the name(s) of all of the actual inventor(s). 37 CFR 1.41(a) and 1.53(b).  
For (title):

**CERTIFICATION UNDER 37 C.F.R. 1.10\***  
(Express Mail label number is mandatory.)  
(Express Mail certification is optional.)

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date JANUARY 8, 1998 in an envelope as "Express Mail Post Office to Addressee," mailing Label Number 10847375879, addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

J. DAVID CABELO

(type or print name of person mailing paper)

[Signature]

Signature of person mailing paper

**WARNING:** Certificate of mailing (first class) or facsimile transmission procedures of 37 C.F.R. 1.8 cannot be used to obtain a date of mailing or transmission for this correspondence.

**\*WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. 1.10(b).

"Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will **not** be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Application Transmittal [4-1]—page 1 of 9)

10542 U.S. PTO  
01/09/98

09004803 1040998

## 1. Type of Application

This new application is for a(n)

(check one applicable item below)

- ☒ Original (nonprovisional)  
☐ Design  
☐ Plant

**WARNING:** Do not use this transmittal for a completion in the U.S. of an International Application under 35 U.S.C. 371(c)(4), unless the International Application is being filed as a divisional, continuation or continuation-in-part application.

**WARNING:** Do not use this transmittal for the filing of a provisional application.

**NOTE:** If one of the following 3 items apply, then complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION.

- ☐ Divisional.  
☐ Continuation.  
☐ Continuation-in-part (C-I-P).

## 2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)

**NOTE:** If the new application being transmitted is a divisional, continuation or a continuation-in-part of a parent case, or where the parent case is an International Application which designated the U.S., or benefit of a prior provisional application is claimed, then check the following item and complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

**WARNING:** If an application claims the benefit of the filing date of an earlier filed application under 35 U.S.C. 120, 121 or 365(c), the 20-year term of that application will be based upon the filing date of the earliest U.S. application that the application makes reference to under 35 U.S.C. 120, 121 or 365(c). (35 U.S.C. 154(a)(2) does not take into account, for the determination of the patent term, any application on which priority is claimed under 35 U.S.C. 119, 365(a) or 365(b).) For a c-i-p application, applicant should review whether any claim in the patent that will issue is supported by an earlier application and, if not, the applicant should consider canceling the reference to the earlier filed application. The term of a patent is not based on a claim-by-claim approach. See Notice of April 14, 1995, 60 Fed. Reg. 20,195, at 20,205.

**WARNING:** When the last day of pendency of a provisional application falls on a Saturday, Sunday, or Federal holiday within the District of Columbia, any nonprovisional application claiming benefit of the provisional application must be filed prior to the Saturday, Sunday, or Federal holiday within the District of Columbia. See 37 C.F.R. § 1.78(a)(3).

- ☐ The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

## 3. Papers Enclosed That Are Required for Filing Date under 37 C.F.R. 1.53(b) (Regular) or 37 C.F.R. 1.153 (Design) Application

- 11 Pages of specification  
2 Pages of claims  
1 Pages of Abstract  
4 Sheets of drawing  
☐ formal  
☒ informal

**WARNING:** *DO NOT* submit original drawings. A high quality copy of the drawings should be supplied when filing a patent application. The drawings that are submitted to the Office must be on strong, white, smooth, and non-shiny paper and meet the standards according to § 1.84. If corrections to the drawings are necessary, they should be made to the original drawing and a high-quality copy of the corrected original drawing then submitted to the Office. Only one copy is required or desired. Comments on proposed new 37 CFR 1.84. Notice of March 9, 1988 (1990 O.G. 57-62).

**NOTE:** "Identifying indicia, if provided, should include the application number or the title of the invention, inventor's name, docket number (if any), and the name and telephone number of a person to call if the Office is unable to match the drawings to the proper application. This information should be placed on the back of each sheet of drawing a minimum distance of 1.5 cm. (5/8 inch) down from the top of the page." 37 C.F.R. 1.84(c)).

(complete the following, if applicable)

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "PETITION TO ACCEPT PHOTOGRAPH(S) AS DRAWING(S)." 37 C.F.R. 1.84(b).

**4. Additional papers enclosed**

- ☐ Preliminary Amendment
- ☒ Information Disclosure Statement (37 C.F.R. 1.98)
- ☒ Form PTO-1449 (PTO/SB/08A and 08B)
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- ☐ Special Comments
- ☐ Other

**5. Declaration or oath**

- ☒ Enclosed
- Executed by

(check all applicable boxes)

- ☒ inventor(s).
- ☐ legal representative of inventor(s).  
37 CFR 1.42 or 1.43.
- ☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
- ☐ This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See item 13 below for fee.
- ☐ Not Enclosed.

**WARNING:** Where the filing is a completion in the U.S. of an International Application, but where a declaration is not available, or where the completion of the U.S. application contains subject matter in addition to the International Application, the application may be treated as a continuation or continuation-in-part, as the case may be, utilizing ADDED PAGE FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION CLAIMED.

- ☐ Application is made by a person authorized under 37 C.F.R. 1.41(c) on behalf of all the above named inventor(s).

*(The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently).*

NOTE: It is important that all the correct inventor(s) are named for filing under 37 CFR 1.41(c) and 1.53(b).

- ☐ Showing that the filing is authorized.  
(not required unless called into question. 37 CFR 1.41(d))

## 6. Inventorship Statement

**WARNING:** If the named inventors are each not the inventors of all the claims an explanation, including the ownership of the various claims at the time the last claimed invention was made, should be submitted.

The inventorship for all the claims in this application are:

☒ The same.

or

- ☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
- ☐ is submitted.
  - ☐ will be submitted.

## 7. Language

NOTE: An application including a signed oath or declaration may be filed in a language other than English. A verified English translation of the non-English language application and the processing fee of \$130.00 required by 37 CFR 1.17(k) is required to be filed with the application, or within such time as may be set by the Office. 37 CFR 1.52(d).

NOTE: A non-English oath or declaration in the form provided or approved by the PTO need not be translated. 37 CFR 1.69(b).

- ☒ English
- ☐ Non-English
- ☐ The attached translation is a verified translation. 37 C.F.R. 1.52(d).

## 8. Assignment

☒ An assignment of the invention to M.C.E. SYSTEMS CORP.  
A TEXAS CORPORATION

☒ is attached. A separate ☒ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" or ☐ FORM PTO 1595 is also attached.

☐ will follow.

NOTE: "If an assignment is submitted with a new application, send two separate letters—one for the application and one for the assignment." Notice of May 4, 1990 (1114 O.G. 77-78).

**WARNING:** A newly executed "CERTIFICATE UNDER 37 CFR 3.73(b)" must be filed when a continuation-in-part application is filed by an assignee. Notice of April 30, 1993, 1150 O.G. 62-64.

## 9. Certified Copy

Certified copy(ies) of application(s)

Country	Appln. No.	Filed
Country	Appln. No.	Filed
Country	Appln. No.	Filed

from which priority is claimed

- ☐ is (are) attached.  
☐ will follow.

NOTE: The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 CFR 1.55(a) and 1.63.

NOTE: This item is for any foreign priority for which the application being filed directly relates. If any parent U.S. application or International Application from which this application claims benefit under 35 U.S.C. 120 is itself entitled to priority from a prior foreign application, then complete item 18 on the ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

## 10. Fee Calculation (37 C.F.R. 1.16)

A. ☒ Regular application

CLAIMS AS FILED			
Number filed	Number Extra	Rate	Basic Fee 37 C.F.R. 1.16(a) \$790.00
Total			
Claims (37 CFR 1.16(c)) - 20 =	×	\$ 22.00	0
Independent			
Claims (37 CFR 1.16(b)) - 3 =	×	\$ 82.00	0
Multiple dependent claim(s), if any (37 CFR 1.16(d))	+	\$270.00	0

- ☐ Amendment cancelling extra claims is enclosed.  
☐ Amendment deleting multiple-dependencies is enclosed.  
☐ Fee for extra claims is not being paid at this time.

NOTE: If the fees for extra claims are not paid on filing they must be paid or the claims cancelled by amendment, prior to the expiration of the time period set for response by the Patent and Trademark Office in any notice of fee deficiency. 37 CFR 1.16(d).

Filing Fee Calculation

\$ 790.00

- B. ☐ Design application  
(\$330.00—37 CFR 1.16(f))

Filing Fee Calculation

\$ \_\_\_\_\_

- C. ☐ Plant application  
(\$540.00—37 CFR 1.16(g))

Filing fee calculation

\$ \_\_\_\_\_

**11. Small Entity Statement(s)**

- ☒ Verified Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is (are) attached.

**WARNING:** "Status as a small entity in one application or patent does not affect any other application or patent, including applications or patents which are directly or indirectly dependent upon the application or patent in which the status has been established. A nonprovisional application claiming benefit under 35 U.S.C. 119(e), 120, 121 or 365(c) of a prior application may rely on a verified statement filed in the prior application if the nonprovisional application includes a reference to a verified statement in the prior application or includes a copy of the verified statement filed in the prior application if status as a small entity is still proper and desired." 37 C.F.R. § 1.28(a).

(complete the following, if applicable)

- ☐ Status as a small entity was claimed in prior application  
\_\_\_\_\_ / \_\_\_\_\_, filed on \_\_\_\_\_, from which benefit  
is being claimed for this application under:

35 U.S.C. ☐ 119(e),  
☐ 120,  
☐ 121,  
☐ 365(c),

and which status as a small entity is still proper and desired.

- ☐ A copy of the verified statement in the prior application is included.

Filing Fee Calculation (50% of A, B or C above)

\$ 395.00

**NOTE:** Any excess of the full fee paid will be refunded if a verified statement and a refund request are filed within 2 months of the date of timely payment of a full fee. The two-month period is not extendable under § 1.136. 37 CFR 1.28(a).

**12. Request for International-Type Search (37 C.F.R. 1.104(d))**

(complete, if applicable)

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment Being Made at This Time

- ☐ Not Enclosed
- ☐ No filing fee is to be paid at this time.  
(This and the surcharge required by 37 C.F.R. 1.16(e) can be paid subsequently.)
- ☐ Enclosed
- ☒ Filing fee \$ 395.00
- ☒ Recording assignment  
(\$40.00; 37 C.F.R. 1.21(h))  
(See attached "COVER SHEET FOR  
ASSIGNMENT ACCOMPANYING NEW  
APPLICATION".) \$ 40.00
- ☐ Petition fee for filing by other than all the  
inventors or person on behalf of the inventor  
where inventor refused to sign or cannot be  
reached  
(\$130.00; 37 C.F.R. 1.47 and 1.17(h)) \$
- ☐ For processing an application with a  
specification in  
a non-English language  
(\$130.00; 37 C.F.R. 1.52(d) and 1.17(k)) \$
- ☐ Processing and retention fee  
(\$130.00; 37 C.F.R. 1.53(d) and 1.21(l)) \$
- ☐ Fee for international-type search report  
(\$40.00; 37 C.F.R. 1.21(e)) \$

NOTE: 37 CFR 1.21(l) establishes a fee for processing and retaining any application that is abandoned for failing to complete the application pursuant to 37 CFR 1.53(d) and this, as well as the changes to 37 CFR 1.53 and 1.78, indicate that in order to obtain the benefit of a prior U.S. application, either the basic filing fee must be paid, or the processing and retention fee of § 1.21(l) must be paid, within 1 year from notification under § 53(d).

Total fees enclosed \$ 435.00

14. Method of Payment of Fees

- ☒ Check in the amount of \$435.00
- ☐ Charge Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_

A duplicate of this transmittal is attached.

NOTE: Fees should be itemized in such a manner that it is clear for which purpose the fees are paid. 37 CFR 1.22(b).

056070 6040060

15. Authorization to Charge Additional Fees

**WARNING:** If no fees are to be paid on filing, the following items should not be completed.

**WARNING:** Accurately count claims, especially multiple dependent claims, to avoid unexpected high charges, if extra claim charges are authorized.

- ☐ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. \_\_\_\_\_:

- ☐ 37 C.F.R. 1.16(a), (f) or (g) (filing fees)  
☐ 37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)

**NOTE:** Because additional fees for excess or multiple dependent claims not paid on filing or on later presentation must only be paid or these claims cancelled by amendment prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency (37 CFR 1.16(d)), it might be best not to authorize the PTO to charge additional claim fees, except possibly when dealing with amendments after final action.

- ☐ 37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)  
☐ 37 C.F.R. 1.17 (application processing fees)

**WARNING:** While 37 CFR 1.17(a), (b), (c) and (d) deal with extensions of time under § 1.136(a), this authorization should be made only with the knowledge that: "Submission of the appropriate extension fee under 37 C.F.R. 1.136(a) is to no avail unless a request or petition for extension is filed." (Emphasis added). Notice of November 5, 1985 (1060 O.G. 27).

- ☐ 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

**NOTE:** Where an authorization to charge the issue fee to a deposit account has been filed before the mailing of a Notice of Allowance, the issue fee will be automatically charged to the deposit account at the time of mailing the notice of allowance. 37 CFR 1.311(b).

**NOTE:** 37 CFR 1.28(b) requires "Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application . . . prior to paying, or at the time of paying, . . . issue fee." From the wording of 37 CFR 1.28(b), (a) notification of change of status must be made even if the fee is paid as "other than a small entity" and (b) no notification is required if the change is to another small entity.

16. Instructions as to Overpayment

- ☐ Credit Account No. \_\_\_\_\_  
☐ Refund

Reg. No. 31,455

Tel. No. (281 ) 370-8058  
FAX: 281-251-4991

Customer No.

  
SIGNATURE OF PRACTITIONER

J. DAVID CABELLO

(type or print name of attorney)

18207 THEISS MAIL ROUTE ROAD

P.O. Address


SPRING, TEXAS 77379



[illegible]

☐ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

☒ Plus Added Pages for Papers Referred to in Item 4 Above

 Plus "Assignment Cover Letter Accompanying New Application"

☐ Statement Where No Further Pages Added

☒ This transmittal ends with this page.

Practitioner's Docket No. MCEW-9801

**PATENT**

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**COMBINED DECLARATION AND POWER OF ATTORNEY**

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION OR C-I-P)

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As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type:

(check one applicable item below)

- ☒ original.  
☐ design.  
☐ supplemental.

NOTE: If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application, do not check next item; check appropriate one of last three items.

- ☐ national stage of PCT.

NOTE: If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR C-I-P.

- ☐ divisional.  
☐ continuation.  
☐ continuation-in-part (C-I-P).

**INVENTORSHIP IDENTIFICATION**

**WARNING:** If the inventors are each not the inventors of all the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

AUTO OPENING PASS THROUGH WINDOW

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## SPECIFICATION IDENTIFICATION

the specification of which:

(complete (a), (b) or (c))

(a) ☒ is attached hereto.

NOTE: "The following combinations of information supplied in an oath or declaration filed on the application filing date with a specification are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

"(1) name of inventor(s), and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration on filing;

"(2) name of inventor(s), and attorney docket number which was on the specification as filed;  
or

"(3) name of inventor(s), and title which was on the specification as filed."

Notice of July 13, 1995 (1177 O.G. 60).

(b) ☐ was filed on \_\_\_\_\_, as ☐ Serial No. 0 / \_\_\_\_\_  
or ☐ \_\_\_\_\_  
and was amended on \_\_\_\_\_ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO that contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

NOTE: "The following combinations of information supplied in an oath or declaration filed after the filing date are acceptable as minimums for identifying a specification and compliance with any one of the items below will be accepted as complying with the identification requirement of 37 CFR 1.63:

"(1) name of inventor(s), and application number (consisting of the series code and the serial number; e.g., 08/123,456);

"(2) name of inventor(s), serial number and filing date;

"(3) name of inventor(s) and attorney docket number which was on the specification as filed;

"(4) name of inventor(s), title which was on the specification as filed and filing date;

"(5) name of inventor(s), title which was on the specification as filed and reference to an attached specification which is both attached to the oath or declaration at the time of execution and submitted with the oath or declaration; or

"(6) name of inventor(s), title which was on the specification as filed and accompanied by a cover letter accurately identifying the application for which it was intended by either the application number (consisting of the series code and the serial number; e.g., 08/123,456), or serial number and filing date. Absent any statement(s) to the contrary, it will be presumed that the application filed in the PTO is the application which the inventor(s) executed by signing the oath or declaration."

Notice of July 13, 1995 (1177 O.G. 60).

(c) ☐ was described and claimed in PCT International Application No. \_\_\_\_\_, filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_ (if any).

## ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56,

*(also check the following items, if desired)*

☒ and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, and

☒ in compliance with this duty, there is attached an information disclosure statement, in accordance with 37 CFR 1.98.

## PRIORITY CLAIM (35 U.S.C. § 119(a)-(d))

I hereby claim foreign priority benefits under Title 35, United States Code, §§ 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

*(complete (d) or (e))*

(d) ☒ no such applications have been filed.

(e) ☐ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

**PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION  
AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)**

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES    NO <input type="checkbox"/>
			<input type="checkbox"/> YES    NO <input type="checkbox"/>
			<input type="checkbox"/> YES    NO <input type="checkbox"/>
			<input type="checkbox"/> YES    NO <input type="checkbox"/>
			<input type="checkbox"/> YES    NO <input type="checkbox"/>

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)**  
(34 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

**PROVISIONAL APPLICATION NUMBER**

**FILING DATE**

\_\_\_\_ / \_\_\_\_\_  
\_\_\_\_ / \_\_\_\_\_  
\_\_\_\_ / \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CLAIM FOR BENEFIT OF EARLIER US/PCT APPLICATION(S)  
UNDER 35 U.S.C. 120**

- ☐ The claim for the benefit of any such applications are set forth in the attached ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART (C-I-P) APPLICATION.

**ALL FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION**

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NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete **ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR C-I-P APPLICATION** for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. § 120.

**POWER OF ATTORNEY**

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

*(list name and registration number)*

J. DAVID CABELLO  
REGISTRATION NO. 31,455

*(check the following item, if applicable)*

- ☐ I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.
- ☐ Attached, as part of this declaration and power of attorney, is the authorization of the above-named practitioner(s) to accept and follow instructions from my representative(s).

**SEND CORRESPONDENCE TO**

☒ Address

J. DAVID CABELLO  
18207 THEISS MAIL ROUTE ROAD  
SPRING, TEXAS 77379

**DIRECT TELEPHONE CALLS TO:**  
*(Name and telephone number)*

J. DAVID CABELLO  
PHONE: 281-370-8058  
FAX: 281-251-4991

☐ Customer Number \_\_\_\_\_

2025 OCT 10 10 03 AM '03

## DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name, as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor

JASON T. EPPS  
(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
Inventor's signature *J. Epps*  
Date \_\_\_\_\_ Country of Citizenship U.S.A.  
Residence 9814 Big Willow Lane, Houston, Texas 77064  
Post Office Address 9814 Big Willow Lane, Houston, Texas 77064

Full name of second joint inventor, if any

DAN L. TERRY  
(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
Inventor's signature *Dan Terry*  
Date \_\_\_\_\_ Country of Citizenship U.S.A.  
Residence 9018 Kerrwood, Houston, Texas 77080  
Post Office Address 9018 Kerrwood, Houston, Texas 77080

Full name of third joint inventor, if any

JACKSON G. WEAVER  
(GIVEN NAME) (MIDDLE INITIAL OR NAME) FAMILY (OR LAST NAME)  
Inventor's signature *Jackson G. Weaver*  
Date \_\_\_\_\_ Country of Citizenship U.S.A.  
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**UNITED STATES PATENT APPLICATION**

**FOR**

**Auto Opening Pass-Through Window**

**by:**

**Jason T. Epps,**

**Dan L. Terry**

**and**

**Jackson G. Weaver**



# Auto Opening Pass Through Window

## BACKGROUND OF THE INVENTION

This invention pertains to access windows and similar equipment more particularly to access windows for drive-through and walk-up fast food service installations. These access windows are typically provided in a building, such as a fast-food service establishment, a convenience drive-up food store, a service station attendant's booth, a free-standing kiosk, or the like.

The present invention especially relates to access windows typically installed on the side of a building adjacent a driveway or sidewalk to facilitate business transactions between a clerk and a customer. Such windows are conventionally located in a manner permitting an attendant to view the customer approaching his window and to personally transact business with the customer.

In a typical commercial environment a drive-up access window must easily permit the clerk to transact business with a customer and yet provide the necessary isolation between the outside environment and the inside environment to satisfy health and safety requirements.

Prior art windows are described in U.S. Patent No. 4,411,102; U.S. Patent No. 4,442,630; U.S. Patent No. 4,733,498; and U.S. Patent No. 4,641,460. The windows may be actuated solely by manual force or by electrical motors triggered by a clerk or by the presence of a clerk.

Mechanically operated prior art devices require a substantial amount of physical exertion to operate as many windows in busy fast-food establishments may be operated in excess of 900 times per day. In an effort to reduce the

1 physical strain and exertion associated with such operation many fast-food  
2 establishment employees resort to mechanically blocking a window in the open  
3 position which violates many local and state health codes. In some cases motor  
4 operators have been installed in such windows, however, switches and the like  
5 used to trigger the windows also have proven problematic inasmuch as the  
6 clerks typically must open the windows without the use of their hands. Where  
7 automatic sensing means have been used, the auto-sensing means for the  
8 motor-operated windows has also proved problematic as the windows open  
9 unintentionally due to employee traffic in the proximity of the window or in some  
10 cases close inadvertently whenever the clerk fails to maintain a physical pose in  
11 a manner that breaks an infrared beam or the like.

## 12 **SUMMARY OF THE INVENTION**

13 The present invention meets the above-mentioned disadvantages by  
14 providing a reliable sensor and triggering device for a motor-assisted fast-food  
15 service window. The present invention uses an upwardly focused light emitting  
16 diode (LED) emitter/receiver sensor in a new and novel fashion that substantially  
17 reduces the number of times that a fast-food service window is unintentionally  
18 opened while at the same time providing for reliable sensing of a clerk in the fast-  
19 food window area just prior to providing a customer with food, drinks, change or  
20 other items required whenever business is transacted. The invention is further  
21 characterized by the application of an infrared emitter/receiver sensor in a  
22 manner not requiring a fixed reflective surface to serve in a manner to return the  
23 infrared beam from the emitter to the receiver.

1           The preferred embodiment of the apparatus comprises a plurality of  
2   upwardly focused infrared emitter/receivers mounted on the internal side of a  
3   fast-food service window at an angle slightly off of the horizontal plane in a  
4   manner emitting an infrared beam at an angle slightly askew of the vertical axis.  
5   The sensors are used to detect an employee in the immediate proximity of a  
6   fast-food service window as the clerk bends over the horizontal service shelf as  
7   the clerk begins to reach towards a customer. The sensors, although focused  
8   towards the interior of a building, do not detect employees or traffic in the  
9   immediate vicinity of the fast-food service window thereby virtually eliminating the  
10   unintentional opening of the window. In the preferred embodiment, the sensor  
11   circuit is equipped with a time delay of approximately 0.2 seconds (2/10  
12   seconds) time delay in sensing an object as an additional aid in eliminating false  
13   openings and closings of the access window. The uniquely oriented sensors are  
14   connected to an electric motor operator which opens the window as an employee  
15   prepares to deliver merchandise or other items to a customer. As the clerk  
16   retreats from the fast-food service window area, the sensors then detect the  
17   absence of the clerk thereby causing the motor operator to close the fast-food  
18   service window.

19           In the preferred embodiment, the electrically operated service window  
20   also is equipped with a switch to facilitate the use of the window by a wheel-chair  
21   bound clerk or handicapped clerk who may not bend over the horizontal service  
22   shelf in the traditional manner. In this fashion a wheel-chair bound employee  
23   can open the window by operating the switch and thereafter close the window by  
24   again operating the switch in the other direction. When the switch is oriented

1 such as to close the window, the window is also returned to the automatic  
2 operation phase in a manner that will permit it to again properly detect the  
3 proximity of an employee reaching across the horizontal service area as such  
4 employee reaches towards a customer on the outside of the window.

5 The various features and principles of the invention will become obvious  
6 to those skilled in the art upon review of the detailed description in conjunction  
7 with the appended drawings and claims.

## 8 **BRIEF DESCRIPTION OF THE DRAWINGS**

9 **FIGURE 1** is a perspective view of the fast-food access window of the  
10 present invention with a cut-away of the outer wall of a building, the access  
11 window mounted within a window frame, having a motor-operated sliding window  
12 pane (so as to permit transactions between the attendant within the building or  
13 kiosk and a customer outside the building or kiosk), a fixed window pane, a  
14 plurality of upwardly focused proximity sensors mounted on a sensor mount and  
15 the sensor mount attached to the bottom window frame adjacent the sliding  
16 pane.

17 **FIGURE 2** a detailed view of the area designated in Figure 1, illustrating  
18 the sliding window pane described in Figure 1 with two proximity sensors  
19 mounted on the sensor mount attached to the bottom frame member of the  
20 access window frame.

21 **FIGURE 3** is a perspective view of the access window of the present  
22 invention with a partial view of the access window frame and sliding window  
23 pane, and the proximity sensor mount detached from the bottom frame member.

**FIGURE 4** is a cross-section (viewed at line 4 in Figure 3) illustrating the proximity sensor mount and the bottom window frame attached to a portion of the inside wall.

**FIGURE 5** is perspective view of a prior art electrically-operated access window, with a sliding window pane, a fixed window pane, an infrared emitter, infrared receiver, and a window frame member.

**FIGURE 6** is a diagram illustrating the infrared fixed-field diffused sensing arrangement used for the proximity sensors used in the present inventions.

Corresponding reference numbers indicate corresponding parts throughout the several views of the drawings.

## **DESCRIPTION OF PREFERRED EMBODIMENT**

Referring now to the drawings, and with specific reference to Figures 1, 2, and 3, a cutaway of the a building wall is generally indicated at 10, is shown to have an inside wall portion 11 with an access window 15 of the present invention installed within an of the building wall 10. The access window 15, having a sliding window pane member 16, a fixed window pane member 17, a bottom frame member 18, a left frame member 19, a right frame member 20, and a top frame member 21. Although the preferred embodiment features a sliding window pane, a movable window member that hinged at one edge or articulate in a manner that creates an opening to permit access to a customer is similarly envisioned as an comparable embodiment. The sliding window pane member having a window handle 22 with thumb screw latch 63 located above the handle 22 and latch receiver 23. In the preferred embodiment, the access window

1 frame members are made of stainless steel and the window pane members of  
2 tempered safety glass framed with stainless steel members and sealed with  
3 rubberized sealing materials in a manner well known by those skilled in the art.  
4 The preferred embodiment of the present invention having a plurality of upwardly  
5 focused proximity sensors 29 attached and mounted on a proximity sensor  
6 mount 30. The proximity sensor mount 30 attached to the bottom frame member  
7 18 by means of screws or other comparable fasteners 31. In the preferred  
8 embodiment the motor operator (not shown) and electronic control circuit board  
9 (not shown) are mounted behind the top frame member 21 in a manner to  
10 operate the sliding pane member 16 in a manner that would be apparent to one  
11 skilled in the art. The sliding window pane member 16 is operated in a manner to  
12 facilitate a clerk standing within the building to transact business with a customer  
13 standing or sitting immediately outside the access window, such as at a drive-up  
14 window in a fast-food service establishment.

Referring now to Figure 4 and 6, a cross-section at line 4 shown in Figure 3, one of the upwardly focused proximity sensors 29 is illustrated on the sensor mount 30 in cutaway view. The proximity sensors 29 are those such as manufactured by Banner Engineering Corporation of Minneapolis, Minnesota and identified by Banner Engineering Corporation as its T30 Series of Fixed-Field sensors. Each of the T30 Series proximity detectors used in the preferred embodiment of the present invention have an LED emitter, two light detectors or receivers, accompanying receiver lens and emitter lens integral in a single detector. Each of the detectors is cylindrical in configuration. In the preferred embodiment an infrared fixed-field diffused sensing arrangement is used. With

1 the T30 sensors used in a fixed-field diffused sensing arrangement, each sensor  
2 has a single LED emitter 50 and two receivers (near receiver or detector 52 and  
3 far receiver or detector 51) positioned slightly off center of the lens focal point.  
4 This arrangement allows the light to exit the emitter lens 53 at a slight angle.  
5 The receivers in the sensor are precisely placed behind the receiver lenses 54  
6 for the proper cutoff distance. As shown in Figure 6, an object is sensed if the  
7 amount of light at near receiver or detector 52 (R1) is greater than the amount of  
8 light at far receiver or detector 51 (R2). In the preferred embodiment, the  
9 proximity sensors are mounted askew of the horizontal plane (illustrated by line  
10 35) in a manner that the centerline 36 of proximity sensor 29 is askew from the  
11 vertical axis (illustrated as line 37) by the angle alpha. In the preferred  
12 embodiment the angle alpha is approximately 10 degrees. An angle alpha of  
13 approximately 10 degrees has been found to reliably detect a clerk wishing to  
14 service a customer as the clerk reaches across the horizontal service plane  
15 proximate to the access window (just prior to servicing a customer). This angle  
16 alpha has been found to be such that the proximity sensors substantially reject  
17 any false signals, from passing employees who do not intend to service a  
18 customer, thereby virtually eliminating the inadvertent opening of the access  
19 window. In an attempt to further avoid any false signals a 0.2 second time delay  
20 is designed into the detection circuit. As such the time delay requires the  
21 presence of a person in the proximity of the sensors for at least 0.2 of a second  
22 in order to operate properly to open the window. Similarly, a person must vacate  
23 the sensor proximity for at least 0.2 seconds for the window circuit to close the  
24 window. The angle alpha of approximately 10 degrees has also been found to  
25 be sufficient to avoid a ceiling panel or other ceiling surface from reflecting light

1 emitted by the LED back to receivers or detectors R1 or in a manner to falsely  
2 trigger the window to open.

3 Another important aspect of the present invention is illustrated in Figure 4  
4 as ring 40. Ring 40 is manufactured from General Electric Valox (a thermoplastic  
5 material) with the outward surface of the ring shaped in a hexagonal shape. The  
6 ring is further milled out in a manner that allows dirt, water, debris, and the like to  
7 flow out of the ring and off of the lens' cover. The ring 40 is used as a mounting  
8 ring for the proximity sensor 29. The interior surface of ring 40 is circular and  
9 has an internal diameter sufficient to avoid obstructing the light emitted by the  
10 LED emitter and the light received by the receivers or detectors. In the preferred  
11 embodiment, the interior surface of ring 40 is threaded onto the threaded barrel  
12 of proximity sensor 29. In the preferred embodiment, ring 40 is of a height of  
13 3/8" or .375" which serves to provide sufficient infrared light travel path such that  
14 receiver R2 (in Figure 6) can detect the presence of a person or object even  
15 when a clerk is in contact with the sensor 29. Sensor ring 40 thereby serves to  
16 prevent a clerk or an object of the clerk's clothing from coming in direct contact  
17 with the sensor 29 in a manner that completely eliminates receivers R2 and R1  
18 from receiving any light emitted by emitter E.

19 An electrical circuit for a motor window operator including motor,  
20 electronic control and accompanying circuit board, and linkages to open and  
21 close the sliding window panel would be apparent to one skilled in the art.  
22 Typically, an electric motor is linked to the sliding window pane 16 by means of a  
23 belt drive from the output of a motor shaft. In the preferred embodiment the  
24 motor is such that it is energized and operates to open the sliding window pane



1 whenever a clerk is detected within the sensing field of the sensors 29 and the  
 2 motor is thereafter reversed thereby causing the window pane 29 to close when  
 3 a clerk is no longer detected within the sensing field of proximity detector 29.  
 4 Appropriate limit switches serve to limit the opening and closing distance of the  
 5 window pane 29. In addition to typical limit switches, a clutch is typically  
 6 employed together with a motor and belt drive to permit manual intervention to  
 7 cause the window to open in the event of power failure or to prevent the window  
 8 from continuing to open or close whenever it is partially or completely obstructed  
 9 by a person, a person's limb, or an object.

10 Figure 5 illustrates a prior art electrically operated window. Reference  
 11 numbers use are used in the same fashion and for the same members are those  
 12 set forth for Figure 1. In Figure 5 an infrared emitter 61 and infrared receiver 62  
 13 are mounted on mount 60. The prior art device requires an employee or clerk to  
 14 stand between the emitter 61 and receiver 62 in order to break the infrared beam  
 15 to operate the window. The infrared beam used in this prior art device, is fairly  
 16 narrow. While this narrow beam minimizes false triggering by passing  
 17 employees, it also results in inadvertent closing of the window when a clerk or  
 18 employee stoops over in an arching manner to service a customer rather than  
 19 standing rigidly and in a manner to interrupt the infrared beam between the  
 20 emitter 61 and the receiver/detector 62.

21 By upwardly focusing the proximity sensors, the present invention  
 22 addresses and comprehends the posture of a fast-food service employee  
 23 providing service to a customer while at the same time minimizing the  
 24 inadvertent opening of the fast-food service window by passing employees who

1 are not attempting to service a customer. The present invention further  
2 addresses and comprehends the propensity of a fast-food service employee who  
3 typically presses against the horizontal service area, by providing mounting rings  
4 40 which minimize the potential of completely blocking the light reflected from the  
5 LED emitter 50 back to the receiver/detector 52.

6 In view of the above, it will be seen that the other objects of this invention  
7 are achieved and other advantageous results obtained.

8 As various changes could be made in the above constructions without  
9 departing from the scope of the invention, it is intended that all matter contained  
10 in the above description or shown in the accompanying drawings shall be  
11 interpreted as illustrative and not in a limiting sense.

1 What is claimed is:

2 1. A fast-food service window comprising:

3 a window assembly with at least one movable window member ;  
4 a motor assembly mechanically coupled to said movable member;  
5 an upwardly focused proximity sensor functionally coupled to the  
6 motor assembly;  
7 wherein the movable window member opens whenever a person is  
8 in the immediate vicinity of said proximity sensors.

9 2. A fast-food service window comprising:

10 a window assembly with at least one movable member ;  
11 a motor assembly mechanically coupled to said movable window  
12 member;  
13 a plurality of upwardly focused proximity sensors functionally  
14 coupled to the motor assembly;  
15 wherein the movable window member opens whenever a person is  
16 in the immediate vicinity of said proximity sensors.

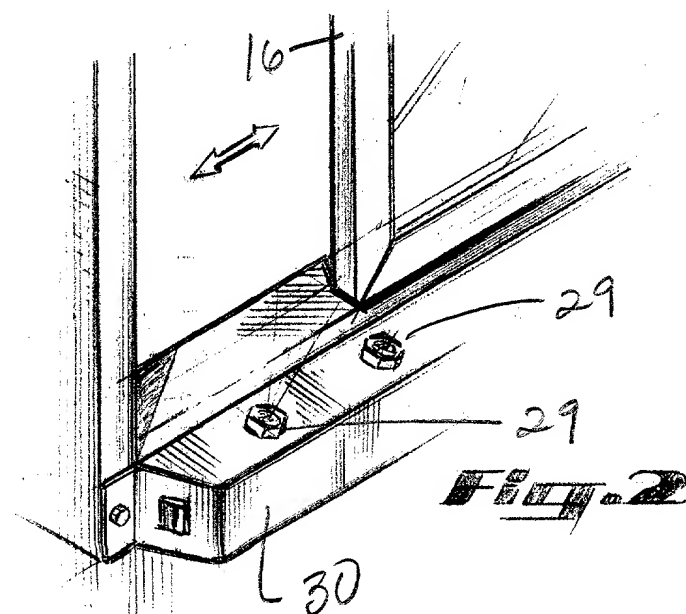
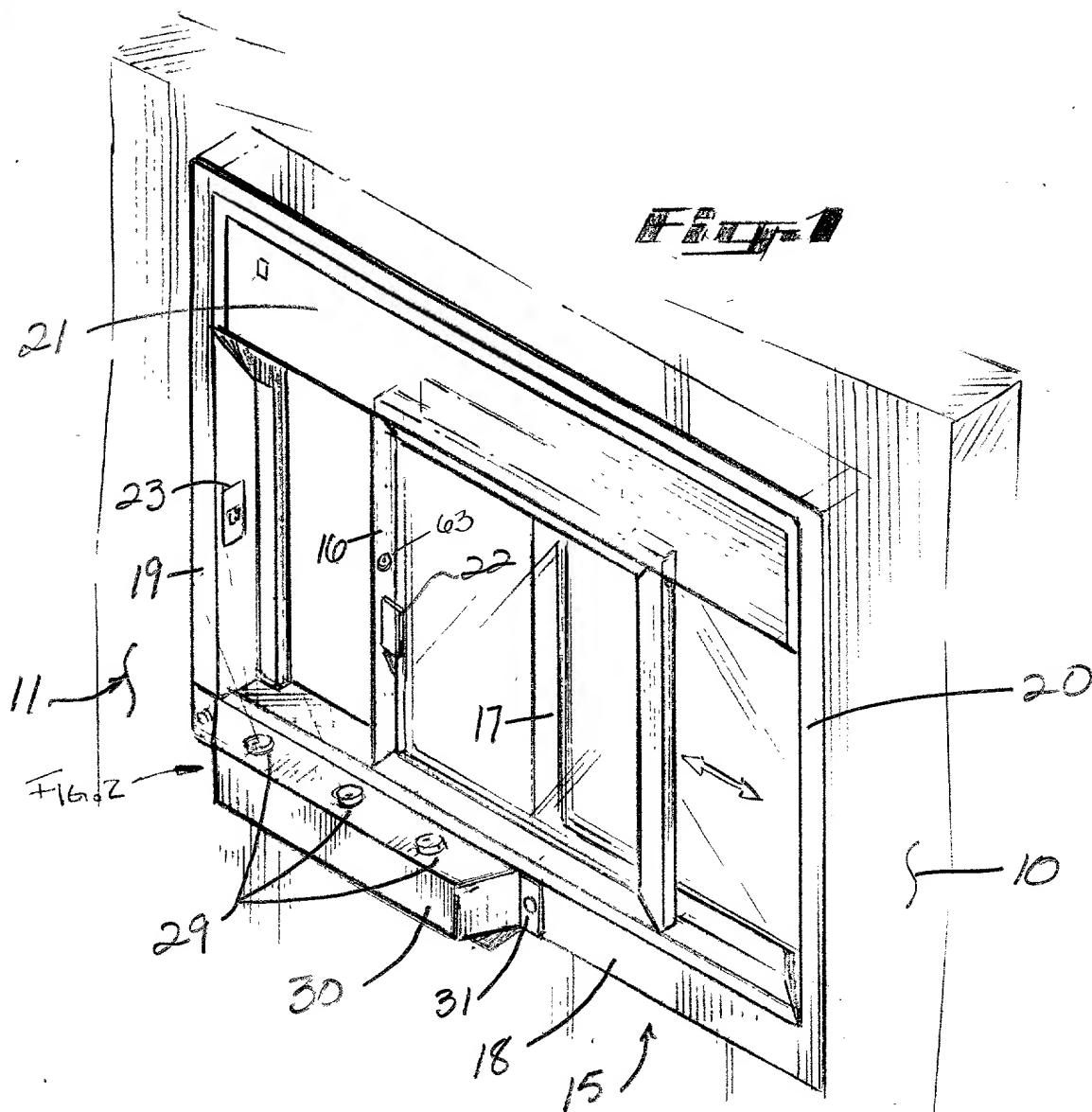
17 3. A fast-food service window comprising:

18 a window assembly with at least one movable window member;  
19 a motor assembly mechanically coupled to said movable window  
20 member;  
21 an upwardly focused infrared proximity sensor electrically coupled  
22 to the motor assembly;  
23 wherein the movable window member opens whenever a person is  
24 in the immediate vicinity of said proximity sensor.

- 1 4. The fast food service window set forth in claim 3 wherein said movable  
2 window member is opened when an infrared beam is detected by an  
3 infrared receiver and is closed when the infrared beam is not detected  
4 by the infrared receiver.
- 5 5. The fast-food service window set forth in claim 1 wherein the sensor  
6 has an integral infrared emitter and receiver.
- 7 6. The fast-food service window set forth in claim 1 wherein the sensor  
8 centerline is slightly askew from the vertical axis.
- 9 7. The fast-food service window set forth in claim 2 wherein the sensors  
10 have an integral emitter and receiver.
- 11 8. The fast-food service window set forth in claim 2 wherein at least one  
12 sensor centerline is slightly askew from the vertical axis.
- 13 9. The fast food service window set forth in claim 3 wherein the sensor  
14 has an integral emitter and receiver.
- 15 10. The fast-food service window set forth in claim 3 wherein at least one  
16 of the infrared sensors emits an infrared beam at angle just slightly  
17 askew of the vertical plane.
- 18

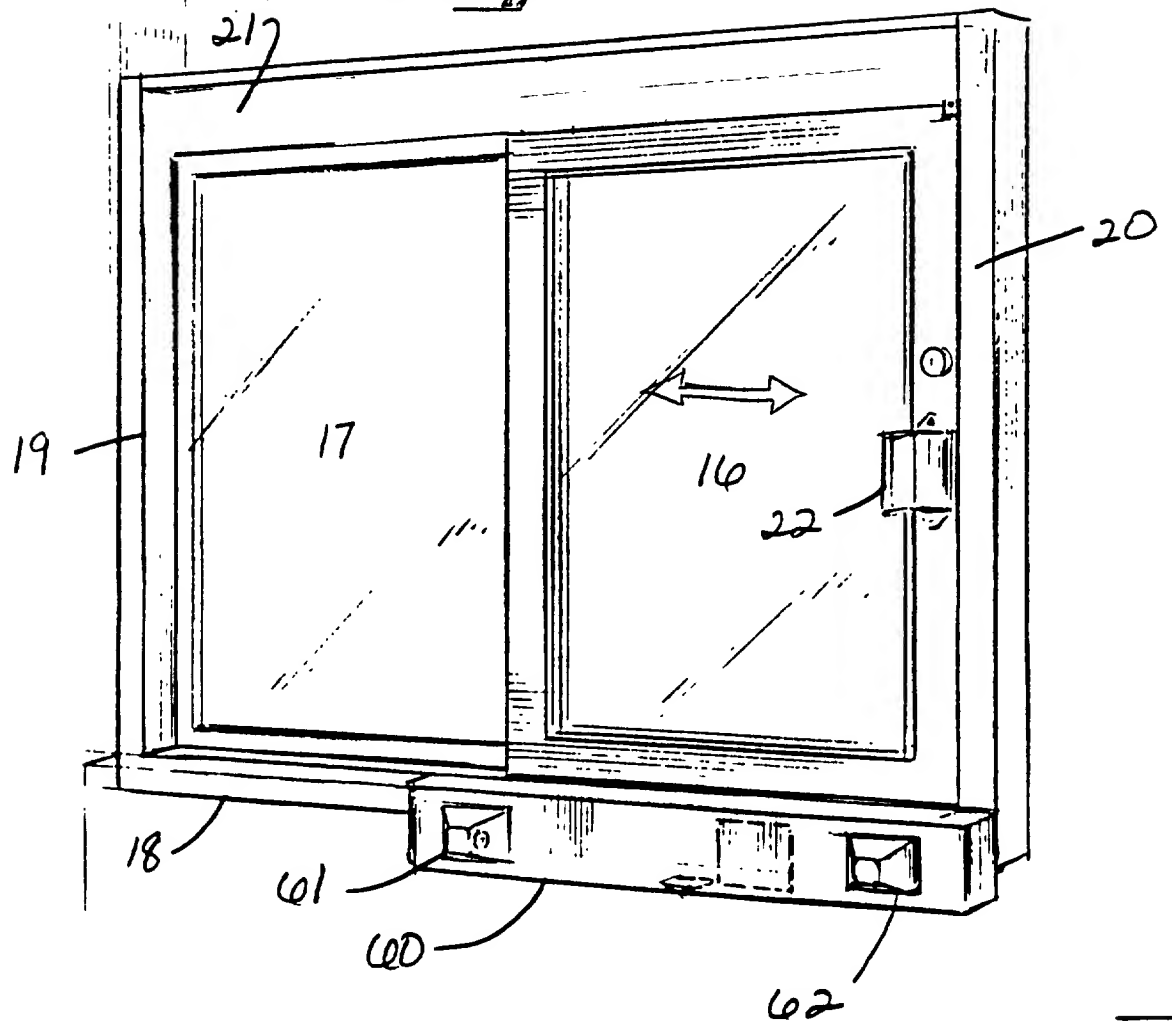
## ABSTRACT

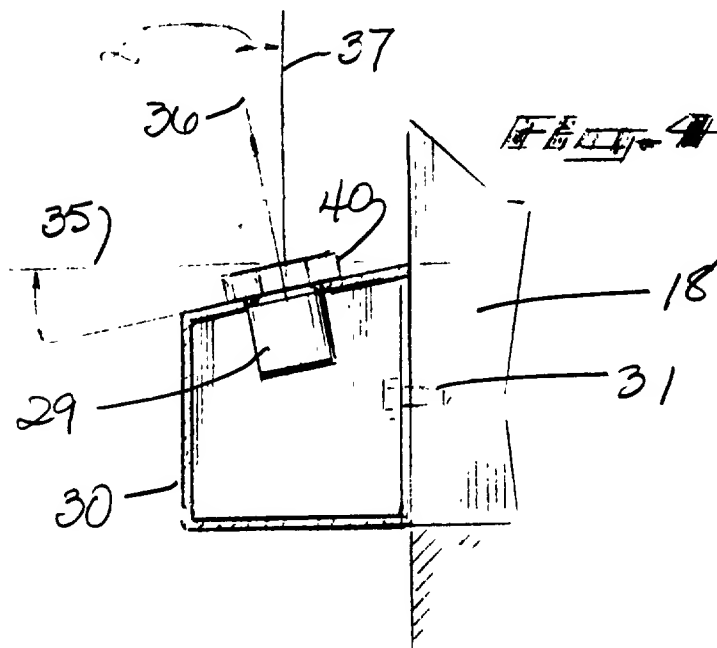
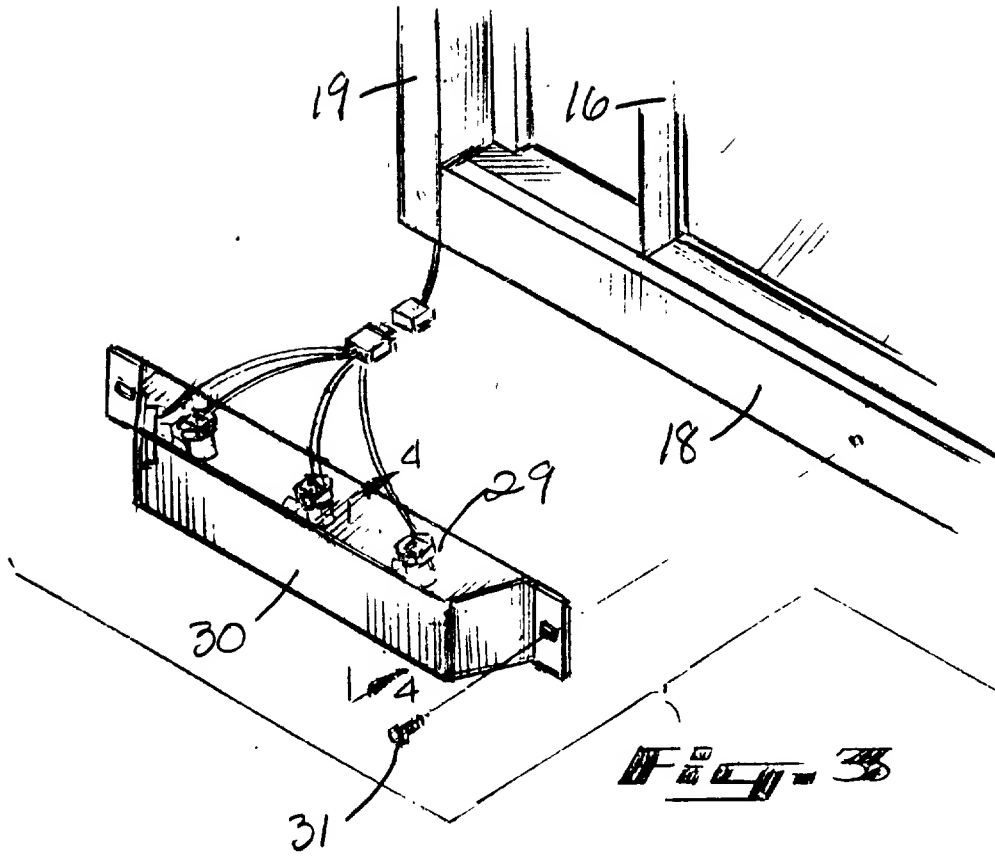
An electrically operated fast-food service window with a plurality of upwardly focused infrared emitter/receivers mounted on the internal side of a fast-food service window in a manner such to emit an infrared beam at an angle slightly askew of the vertical axis. The sensors are used to reliably detect an employee in the immediate proximity of a fast-food service window as the clerk bends over the horizontal service shelf as the clerk begins to reach towards a customer. The sensors, although focused towards the interior of a building, do not detect employees or traffic in the immediate vicinity of the fast-food service window thereby virtually eliminating the unintentional opening of the window. The uniquely oriented sensors are connected to an electric motor operator which opens the window as an employee prepares to deliver merchandise or other items to a customer. As the clerk retreats from the fast-food service window area, the sensors then detect the absence of the clerk thereby causing the motor operator to close the fast-food service window.



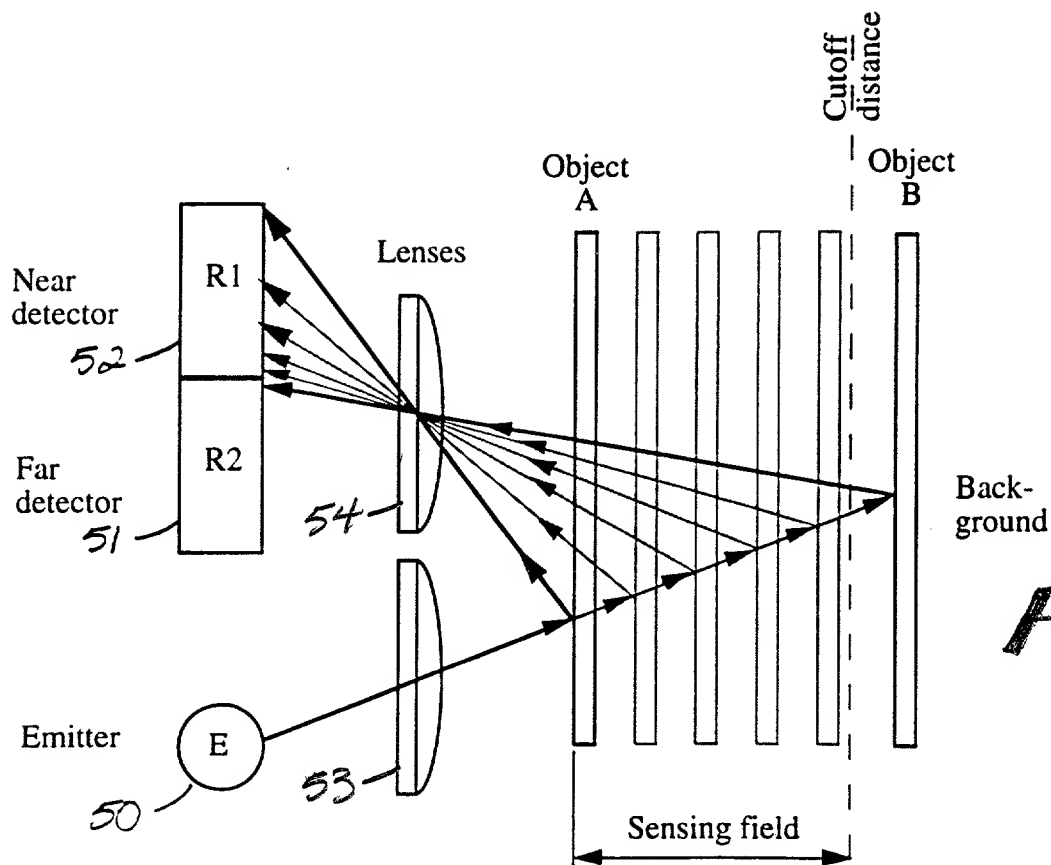
MCEW-9801

Fig. 5









**Fig 6**

Object is sensed if amount of light at R1 is greater than the amount of light at R2

Practitioner's Docket No. MCEW 9801**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: JASON T. EPPS, DAN L. TERRY, JACKSON G. WEAVER

Serial No.: 0 /

Group No.:

Filed: JANUARY 8 1998

Examiner:

For: AUTO OPENING PASS THROUGH WINDOW

Assistant Commissioner for Patents  
Washington, D.C. 20231**EXPRESS MAIL CERTIFICATE**"Express Mail" label number EB847395879Date of Deposit 1/8/98

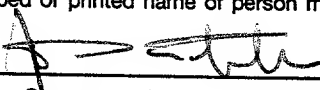
I hereby certify that the following attached paper or fee

- 1) VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
- 2) VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS SMALL BUSINESS CONCERN
- 3) POWER OF ATTORNEY BY INVENTORS
- 4) POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

J. DAVID CABELLO

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**NOTE:** The label number need not be placed on each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter for a fee, along with the certificate of mailing by "Express Mail." Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings it is suggested that the label number be placed on the back of each formal drawing or the drawings be accompanied by a set of informal drawings on which the label number is placed.

Practitioner's Docket No. MCEW - 9801**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**☐ In re application of: JASON T. EPPS, DAN L. TERRY, JACKSON G. WEAVER

Application No.: /

Group No.

Filed: JANUARY 8 1998

Examiner:

For: AUTO OPENING PASS THROUGH WINDOW

☐ Patent No.\*: \_\_\_\_\_ Issued: \_\_\_\_\_

\*NOTE: Insert name(s) of inventor(s) and title also for patent. Where statement is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

**VERIFIED STATEMENT (DECLARATION)  
CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(c-f) and 1.27(b-d))**

With respect to the invention described in

☒ the specification filed herewith.☐ application no. / \_\_\_\_\_, filed \_\_\_\_\_.☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.**I. IDENTIFICATION OF DECLARANT AND RIGHTS AS A SMALL ENTITY**

I hereby declare that I am

(complete either (a), (b), (c) or (d) below)

(a) Independent Inventor

☐ a below named independent inventor, and that I qualify as an independent inventor, as defined in 37 CFR 1.9(c), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office.

(b) Noninventor Supporting a Claim by Another

☒ making this verified statement to support a claim byM.C.E. SYSTEMS CORP.

for a small entity status for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code. I hereby declare that I would qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, if I had made the above identified invention.

(c) Small Business Concern

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Concern M.C.E. SYSTEMS CORP.

Address of Concern P.O. BOX 40466

HOUSTON, TEXAS 77240-0466 and

that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

(d) Non-Profit Organization

☐ an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization \_\_\_\_\_

Address of Organization \_\_\_\_\_

TYPE OF ORGANIZATION

☐ University or Other Institution of Higher Education

☐ Tax Exempt Under Internal Revenue Service Code  
(26 USC 501(a) and 501(c) (3))

☐ Nonprofit Scientific or Educational Under Statute of State of the United States of America

(Name of State \_\_\_\_\_)

(Citation of Statute \_\_\_\_\_)

☐ Would Qualify as Tax Exempt Under Internal Revenue Service Code (26 USC 501(a) and 501(c) (3)), if Located in the United States of America

☐ Would Qualify as Nonprofit Scientific or Educational Under Statute of State of the United States of America, if Located in the United States of America

(Name of State \_\_\_\_\_)

(Citation of Statute \_\_\_\_\_)

and that the nonprofit organization identified above qualifies as a nonprofit organization, as defined in 37 CFR 1.9(e), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code.

(Verified Statement (Declaration) Claiming Small Entity Status (37 CFR 1.9(c-f) and 1.27(b-d))  
[7-10]—page 2 of 4)

## II. OWNERSHIP OF INVENTION BY DECLARANT

I hereby declare that rights under contract or law remain with and/or have been conveyed to the above identified

☐ person  
(item (a) or (b) above)

☒ concern  
(item (c) above)

☐ organization  
(item (d) above)

EXCEPT, that if the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held (1) by any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, (2) any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or (3) a nonprofit organization under 37 CFR 1.9(e).

☒ no such person, concern, or organization

☐ person, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full Name \_\_\_\_\_

Address \_\_\_\_\_

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

Full Name \_\_\_\_\_

Address \_\_\_\_\_

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

## III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

## IV. DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

(Verified Statement (Declaration) Claiming Small Entity Status (37 CFR 1.9(c-f) and 1.27(b-d))

[7-10]—page 3 of 4)

## V. SIGNATURES

(complete only (e) or (f) below)

(e)

NOTE: All inventors must sign the verified statement.

JASON T. EPPS

Date:

1-8-98

Name of Inventor

Signature of Inventor

DAN L. TERRY

Date:

1-8-98

Name of Inventor

Signature of Inventor

JACKSON G. WEAVER

Date:

1-8-98

Name of Inventor

Signature of Inventor

(add lines for any additional inventors who must sign)

or

(f)

NOTE: The title of the person signing on behalf of a concern or nonprofit organization should be specified.

Name of Person Signing JIM EPPS

Title of Person PRESIDENT

(if signing on behalf of a concern or non-profit organization)

Address of Person Signing 11441 BRITTMOORE PARK DRIVE

HOUSTON, TEXAS

SIGNATURE

DATE 1-8-98

(Verified Statement (Declaration) Claiming Small Entity Status (37 CFR 1.9(c-f) and 1.27(b-d))  
[7-10]—page 4 of 4)

Practitioner's Docket No. MCEW - 9801**PATENT**

☐ Applicant JASON T. EPPS  
☐ DAN L. TERRY, JACKSON G. WEAVER  
☐ Application No. \_\_\_\_\_  
☐ Filed on JANUARY 8 1998  
☐ Patentee \_\_\_\_\_  
☐ Patent No. \_\_\_\_\_  
☐ Issued on \_\_\_\_\_

Title: \_\_\_\_\_

**VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(c))—SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

Name of Small Business Concern M.C.E. SYSTEMS CORP.Address of Small Business Concern 11441 BRITTMOORE PARK DRIVE  
HOUSTON, TEXAS

I hereby declare that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in

- ☒ the specification filed herewith, with title as listed above.  
☐ the application identified above.  
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)*

Each such person, concern or organization having any rights in the invention is listed below:

☒ No such person, concern, or organization exists.

☐ Each such person, concern or organization is listed below.

Name \_\_\_\_\_

Address \_\_\_\_\_

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

Name \_\_\_\_\_

Address \_\_\_\_\_

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing JIM EPPS

Title of Person if Other Than Owner PRESIDENT

Address of Person Signing 11441 BRITTMORE PARK DRIVE  
HOUSTON, TEXAS

SIGNATURE



Date

1-8-98

(Small Entity-Small Business [7-4]—page 2 of 2)



Practitioner's Docket No. MCEW 9801**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

☒ In re application of: JASON T. EPPS, DAN L. TERRY, JACKSON G. WEAVER  
Serial No.: / Group No.:  
Filed: JANUARY 8, 1998 Examiner:  
For: AUTO OPENING PASS THROUGH WINDOW

☐ Patent No.\*: Issued:

\*NOTE: Insert name(s) of all inventor(s) and title also for patent.

Assistant Commissioner for Patents  
Washington, D.C. 20231

**POWER OF ATTORNEY BY INVENTOR(S)  
(REVOCATION OF PRIOR POWERS)**

As a named inventor for the above identified

☒ application,  
☐ patent,

**REVOCATION OF PRIOR POWERS OF ATTORNEY**

I hereby revoke all powers of attorney previously given and

**NEW POWER OF ATTORNEY**

I hereby appoint the following attorney(s) and/or agent(s) to prosecute and transact all business in the Patent and Trademark Office connected therewith.

(list name(s) and registration number(s))


J. DAVID CABELLO  
Registration 31,455


(check the following item, if applicable)

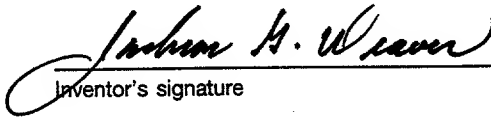
☐ Attached as part of this power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

**SEND CORRESPONDENCE TO:**  
J. DAVID CABELLO  
Customer No.: 18207 THEISS MAIL ROUTE ROAD  
SPRING, TEXAS 77379

**DIRECT TELEPHONE CALLS TO:**  
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Phone: 281-370-8058

Date: <u>1-8-98</u>	<u>JASON T. EPPS</u>
	(type or print inventor's name)
	
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	<u>Houston, Texas 77064</u>

Date: <u>1-8-98</u>	<u>Dan L. Terry</u>
	(type or print inventor's name)
	
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Date: <u>1-8-98</u>	<u>JACKSON G. WEAVER</u>
	(type or print inventor's name)
	
	Inventor's signature
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	Post Office Address
	<u>Cypress, Texas 77429</u>

(Power of Attorney by Inventor(s) [12-1]—page 2 of 3)

Practitioner's Docket No. MCEW 9801**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**☐ In re application of JASON T. EPPS, DAN L. TERRY, JACKSON G. WEAVER

Serial No.: / Group No.:

Filed: JANUARY 6, 1998 Examiner:

For: AUTO OPENING PASS THROUGH WINDOW

☐ Patent No\*: Issued:

\*NOTE: Insert name(s) of inventor(s) and title also for patent.

**Assistant Commissioner for Patents  
Washington, D.C. 20231****POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST  
(REVOCATION OF PRIOR POWERS)**

As assignee of record of the entire interest of the above identified

☒ application,☐ patent,**REVOCATION OF PRIOR POWERS OF ATTORNEY**

all powers of attorney previously given are hereby revoked and

**NEW POWER OF ATTORNEY**

the following attorney(s) and/or agent(s) are hereby appointed to prosecute and transact all business in the Patent and Trademark Office connected therewith.

(list name and registration number)

J. DAVID CABELLO  
REGISTRATION NO. 31,455  
18207 THEISS MAIL ROUTE ROAD  
SPRING, TEXAS 77379

(check the following item, if applicable)

- ☐
- Attached, as part of this power of attorney, is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

**SEND CORRESPONDENCE TO:**

J. DAVID CABELLO  
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Customer No.:

M.C.E. SYSTEMS CORP.*(type or print identity of assignee of entire interest)*P.O. Box 40466AddressHOUSTON, TEXAS 77240-0466

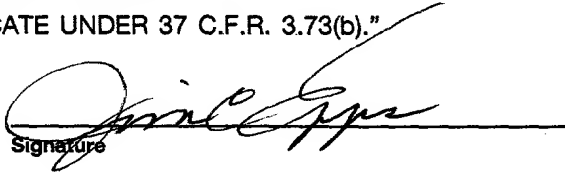
- ☐ Recorded in PTO on \_\_\_\_\_  
Reel \_\_\_\_\_  
Frame \_\_\_\_\_
- ☐ Recorded herewith

**ASSIGNEE CERTIFICATION**

Attached to this power is a "CERTIFICATE UNDER 37 C.F.R. 3.73(b)."

Date 1/8/98

Signature

JIM EPPS*(type or print name of person authorized to  
sign on behalf of assignee)*PRESIDENT

Title

NOTE: The assignee of the entire interest may revoke previous powers and be represented by an attorney of his or her selection. 37 C.F.R. 1.36.

*(check the following item, if it forms a part of this power of attorney)*

- ☐ Added page—Authorization of attorney(s) to accept and follow instructions from representative.

(Power of Attorney by Assignee of Entire Interest [12-2]—page 2 of 2)